

29 SEP 2000



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In re Application of	:	
Freishtat et al.	:	DECISION ON
Application No.: 09/308436	:	
PCT No.: PCT/US97/20986	:	PETITION UNDER
Int. Filing Date: 17 November 1997	:	
Priority Date: 18 November 1996	:	37 CFR 1.47
Attorney's Docket No.: P0129/170179	:	
For: System for Integrated Management of	:	
Messaging and Communications	:	

This is a decision on the renewed petition under 37 C.F.R. 1.47(b) filed on 23 June 2000.

BACKGROUND

On 23 February 2000, a decision on petition was mailed to applicants. The decision dismissed a petition filed on 20 December 1999 on the basis that the petition did not include sufficient proof that joint inventors Leitess and Freishtat refused to join or could not be found or reached after diligent effort.

The instant renewed petition was filed on 27 June 2000.

DISCUSSION

The petition filed on 20 December 1999 was made under 37 CFR 1.47(b), as was appropriate since none of the joint inventors had executed an oath or declaration. However, since the renewed petition is accompanied by declarations signed by Messrs. Leitess and Freishtat, it would be appropriate to treat the renewed petition as a petition under 37 CFR 1.47(a) to excuse the absence of the signatures of non-signing joint inventors Cowden and Smith.

A grantable petition under 37 CFR 1.47(a) requires (1) a petition including proof of the pertinent facts establishing the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort, (2) an oath or Declaration executed by the available joint inventor(s) on behalf of themselves and the non-signing

inventors in compliance with 37 CFR § 1.63, (3) the fee as specified in 37 CFR § 1.17(h), and (4) the last known address of the omitted inventor(s).

As discussed in the decision mailed on 23 February 2000, the petition satisfies requirements (1).

The declaration filed on 23 June 2000 satisfies requirement (2).

The petition satisfies requirement (3) because it includes the last known addresses of non-signing joint inventors Cowden and Smith.

The petition fee has already been paid; therefore, requirement (4) has been satisfied.

DECISION

For the reasons explained *supra*, the petition is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office for further processing. The date of this application under 35 U.S.C. 102(e) and 371 is **23 June 2000**.



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